IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2894 of 1995

Between:

1 Pyla. Rambabu, S/o. Kanaiah,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
2 Pyla. Latcha Patrudu, S/o. Yerranna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
3 Pyla. Surappa, S/o. Ramaiah,
R/o.Venulapudi (V), Nathavaram(M),
Visakhaptnam Dist.
4 Pyla. Yerukalamma, W/o. Y.Patrudu ,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
5 Pyla. Kalaiah, S/o. Ganganna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
6 Pyla. Appa Rao, S/o. Rangaiah,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
7 Pindi. Kondaiah, S/o. Narayana,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
8 Pindi. Appanna, S/o. Appanna,,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
9 Nakka Appanna, S/o. Ramaiah,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.

10 N.Narayana, S/o. Venkanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
11 Nakka. Appanna, S/o. Jagganna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
12 Bolem. Sanyasaiah, S/o. Appalapatrudu,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
13 Nakka. Appanna, S/o. Appanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
14 Nakka. Venkata Swamy, S/o. Somayya,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
15 Nakka. Appalaswamy, S/o. Somayya,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
16 Nakka. Jaggaiah, S/o. Pedakrishnanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
17 Nakka. Appanna, S/o. Appanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
18 Pindi. Venkanna, S/o. Venkanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
19 Bolem. Demudu, S/o. Ramanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
20 Nakka. Subbayyamma, W/o. Appanna,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.
21 Nakka. Venkataswamy, S/o. Krishnamma,
R/o.Venulapudi Village, Nathavaram Mandal,
Visakhaptnam District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh Rep. by its Secretary,

Revenue Department, Secretariat, Hyderabad.

2 The Special Deputy Collector, (Yeleru Left Main Canal),

Land Acquisition Act at present Revenue Divisional Officer,
Narasimpatnam Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd Respondent herein to refer the matter of the petitioners situated in Block No.VI of Vemulapudi Village, Nathavaram Mandal, Visakhaptnam District, U/.18 of the Land Acquisition Act to Civil Court for fixation of higher compensation and pass such other order or orders as this Hon'ble Court may deem fit and proper, in the circumstances of the case.

Counsel for the Petitioners: MR.K.SUBRAHMANYAM

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: GP FOR LAND ACQUISITION

The Court made the following:

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION NO.2894 OF 1995

ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to direct the second respondent-Special Deputy Collector, to refer the matter to Civil Court under Section 18 of the Land Acquisition Act, 1894, to adjudicate the market value of the acquired lands of the petitioners, admeasuring Ac.12.00 situated in Vemulapudi Block No.VI, Vemulapudi Village, Nathavaram Mandal of Visakhapatnam District.

As stated in the affidavit filed in support of the Writ Petition, it is the case of the petitioners that their lands, admeasuring Ac.12.00 cents, situated in Vemulapudi Block No.VI, Vemulapudi Village, Nathavaram Mandal of Visakhapatnam District were notified under the provisions of the Land Acquisition Act, 1894 and award was passed in Award No. 3 of 1987, on 31-1-1987. It is their case that as the said Award did not represent the market value of the lands acquired, within a weak after passing of the Award, they made application on 1-2-1987 to the second respondent-Special Deputy Collector to refer the matter to Civil Court under Section 18 of the Land Acquisition Act, 1894. It is the further case of the petitioners that though they filed application within the statutory period, in accordance with the provisions of the Land Acquisition Act, 1894 and in spite of several oral and written requests, the second respondent did not refer the matter to Civil Court; as such, they have filed this Writ Petition.

In the counter affidavit filed on behalf of the second respondent, it is stated that after passing of the Award, notices were served on the petitioners as required under Section 12(2) of the Land Acquisition Act, 1894 and the petitioners did not file any application to refer the matter to Civil Court under Section 18 of the

Land Acquisition Act, 1894. It is further stated that the petitioners had received the compensation along with other awardees without any protest, and, nearly after eight years, they filed this Writ Petition.

On behalf of the petitioners, no rejoinder is filed to the counter affidavit filed by the respondents.

In this case, it is to be seen, the respondents have denied the receipt of application from the petitioners to refer the matter under Section 18 of the Land Acquisition Act, 1894. Though it is stated by the petitioners that they have submitted application on 1-2-1987 with reference to the award passed on 31-1-1987, but they have filed this Writ Petition in the year 1995, nearly after eight years of passing the Award. There is no valid explanation forthcoming from the petitioners to explain such abnormal delay and laches on their part, in approaching this Court. Though the learned Counsel for the petitioners relied on the judgment in the case of *P.Tata Rao Vs. A.P. Small Scale Industries Development Corporation Limited,* but in the very same case, the Division Bench of this Court disapproved the claim of the petitioner in the year 1993 disputing the quantum of terminal benefits paid in the year 1984 and held that repeated representations does not provide any excuse for the long delay. In this case, inasmuch as the respondents have denied receipt of the representation from the petitioners as alleged by them, to refer the matter under Section 18 of the Land Acquisition Act, 1894, and, also in view of unexplained abnormal delay of eight years, I am of the considered view that the petitioners are not entitle for any relief at this point of time in a petition filed under Article

226 of the Constitution of India. Having regard to the same, I do not find any merit in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 08-12-2004.

DR/Msnr.

To

1 The Secretary, State of Andhra Pradesh,

Revenue Department, Secretariat, Hyderabad.

2 The Special Deputy Collector, (Yeleru Left Main Canal),

Land Acquisition Act at present Revenue Divisional Officer,
Narasimpatnam Mandal, Visakhapatnam District.

3 2CCs to Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad. (OUT)

4 2CCs to Government Pleader for Revenue,

High Court Buildings, Hyderabad. (OUT)

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